

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08-CV-424-C**

**SYNERGY INVESTMENT
GROUP, LLC,**

Petitioner,

v.

PAUL DAVID ISENBERG,

Respondent.

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ORDER

THIS MATTER is before the Court on “Synergy Investment Group, LLC’s Motion to Stay Arbitration and/or Motion to Compel Arbitration in Charlotte, North Carolina” (document #1) filed September 15, 2008. Petitioner’s counsel has informed chambers’ staff telephonically that he served Respondent’s counsel in the underlying arbitration, Neal J. Blaher of Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A, with the Motion and a supporting Brief by United States mail the same date. Despite being generally aware of these proceedings, it is undisputed that Mr. Blaher has refused to accept service on behalf of the Respondent.

On October 28, 2008, the Petitioner filed an Affidavit of Service (document #6) indicating that the Petitioner attempted to serve the Respondent with a Summons, the Motion, and a supporting Brief via Federal Express. The delivery receipt returned by Federal Express shows, however, that rather than being delivered personally to the Respondent or to some other person authorized to accept service, the documents simply were left at the address the Petitioner provided, presumably at the doorway. Moreover, Mr. Blaher has informed chambers’ staff telephonically that the Respondent has not resided at the address used by the Petitioner for a number of years.

Accordingly, the Petitioner is **ORDERED** to make proper service of the Summons, the Motion, and supporting Brief in a manner provided by the Federal Rules of Civil Procedure within 120 days of the issuance of the Summons.

SO ORDERED.

Signed: November 13, 2008

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

